

REMARKS

Claims 1-4, 9-13, 15-18, as amended, and new claims 22-28 are pending in this application. In this Response, Applicants have amended certain claims. In particular, independent claims 1, 15, and 18 have been rewritten to further clarify the inventive features of the recited method. In addition, many of the dependent claims have been rewritten to maintain consistency with the language in the independent claims from which they depend and / or improve general readability of the claims. Finally, new claims 22-28 have been added to recite additional embodiments of the invention that are fully supported by the application as filed. *See, e.g.*, Written Description at Page 17, line 27 to Page 19, line 3. As no new matter has been added, Applicants respectfully request entry of the amendment at this time.

THE REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1-12, and 14 were rejected again under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 5,783,293 to Lammi (“Lammi”) in view of U.S. Patent No. 5,823,890 to Maruko *et al.* (“Maruko”) and U.S. Patent No. 5,427,378 to Murphy (“Murphy”) as set forth on pages 2-4 of the Office Action. Claims 15-17 were also rejected under 35 U.S.C. § 103(a) as being anticipated by Lammi in view of Maruko *et al.* as set forth in the Office Action dated 2/5/09 and further in view of Murphy for the reasons provided on pages 4-5 of the Office Action. Furthermore, claim 18 was rejected under 35 U.S.C. § 103(a) as being obvious over Lammi in view of Maruko *et al.* and U.S. Patent No. 4,998,734 to Meyer (“Meyer”) as set forth in Office action dated 2/5/09 and further in view of Murphy as provided on page 5 of the Office Action. Finally, claims 20-21 were rejected under 35 U.S.C. § 103(a) as being obvious over Lammi in view of U.S. Patent No. 6,790,149 to Kennedy, III *et al.* (“Kennedy”) and Murphy. None of the cited references disclose or suggest the present invention for at least the reasons that follow.

As a threshold matter, the rejection of claims 20-21 is moot in view of the cancellation of these claims. None of the cited references disclose or suggest the present invention in the remaining pending claims for at least the reasons that follow.

As discussed in the previous response and apparently recognized by the Examiner, Lammi fails to disclose or even contemplate a multi-color layer. Office Action at Page 2. In fact, Lammi is directed to a conventional sandwich injection molding process. *See* Abstract. As such, Lammi does not even suggest the presently recited method that includes forming a multi-color layer of a golf ball that comprises first and second volumes of different colored materials.

And, while the Examiner is of the opinion that, “together the colored inner and outer layers of Maruko et al constitute a single multi-color layer” (Office Action at Page 3), it is clear from Maruko that any difference in colors are achieved via two separate and distinct layers. Col. 2, lines 16-19. In fact, the stated goal of Maruko is to avoid a color difference between two layers in order to conceal seams. *See, e.g.*, Col. 1, lines 60-66, Col. 2, lines 16-23 and Col. 2, line 66 to Col. 3, line 7. While the Examiner cites page 9, lines 15-17 of the instant application as support for his view that “a cover layer comprised of an inner layer and an outer layer is within the definition of single multi-color cover layer,” (Office Action at Page 7), Applicants respectfully submit that there are numerous embodiments discussed in the Written Description of the instant application of which the multi-layer, multi-color cover referenced by the Examiner is one. However, the pending claims now more clearly feature an embodiment of the invention where the multi-color layer is formed by insertion of predetermined volumes of first and second materials to provide a layer with different colors. Page 17, line 27 to Page 19, line 3. Since all examples of this embodiment, also illustrated in Figure 8, employ volumes of the first and second materials that add up to 100 percent by volume of the mold, either material alone does not make a separate and distinct layer as in Maruko.

As such, Maruko does not teach a *single* multi-color layer formed of two different materials, each including a pigment of a different color, as presently recited in the claims. Rather, Maruko teaches two independent and distinct cover layers formed of essentially the same color materials. Thus, even assuming a skilled artisan were to combine the teachings of Lammi with Maruko, the resultant golf ball would not have a single multi-color layer that is visible on the surface of the ball.

Due to the limited use of Murphy (for the disclosure of light reflective particles in a golf ball), Applicants respectfully submit that Murphy does not remedy the

deficiencies of Lammi and Maruko. In addition, a review of Meyer also does not appear to remedy the deficiencies in any combination of Lammi, Maruko, and Murphy with respect to claim 18 despite the fact that the Examiner provided no discussion regarding the use of this reference.

In light of the foregoing, none of the cited references alone, or in any combination, renders obvious the present invention. Applicants thus respectfully request reconsideration and withdrawal of the §103 rejections based thereon.

CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present remarks still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

No fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Hanify & King, P.C. Deposit Account No. 50-4545, Order No. 5222-114-US01.

Respectfully submitted,
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By: _____



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